



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Peter Tsistinas,
Technical Assistant 3 (PS2797T),
Department of Transportation

Examination Appeal

CSC Docket No. 2021-1588

ISSUED: JULY 2, 2021 (SLK)

Peter Tsistinas appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Technical Assistant 3 (PS2797T), Department of Transportation.

The subject examination had a March 23, 2020 closing date. The education requirement was an Associate’s degree. The experience requirements were three years of experience in providing support to functions such as grant/contract compliance monitoring, program monitoring, or fiscal compliance and budgetary assistance and/or providing technical assistance to State and/or local communities or agencies, completing forms or applications, reviewing documents for accuracy and content, resolving complaints, or interpreting rules, regulations, policies, and procedures for the public and/or others. Applicants who did not possess the required education could substitute, in addition to the required experience, applicable experience on a year-for-year basis, with 30 semester hour credits being equal to one year of experience. Applicants who did not possess the required experience could substitute education on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Two employees applied and one was determined eligible. No certifications have been issued and the list expires on April 7, 2024.

On the appellant’s application, he indicated that he possessed 134 college credits including an Associate’s degree. He also indicated that he was provisionally

serving in the subject title from November 2019 to the March 23, 2020 closing date, an Assistant Crew Supervisor, Mechanics from October 2015 to November 2019, an Automotive Mechanic from May 2004 to October 2015, an Assistant Manager for Somerset Tire Service from January 2004 to May 2004, an Owner/Manager for P.T. Automotive from June 2001 to December 2003, a Lube Shop Manager for Branchburg Car Care Center from November 2000 to June 2001, a Manager for Jiffy Lube from May 1997 to November 2000, and an Assistant Manager for Grease Monkey from October 1990 to September 1995. Agency Services credited the appellant for having an Associate's degree and for having one year and 11 months of experience based on one year and six months for his additional college credits¹ and five months for his provisional service in the subject title, but determined that he lacked one year and one month of experience.

On appeal, the appellant states that as an Assistant Crew Supervisor, Mechanics for over four years, he provided technical assistance to the Department of Transportation and the Department of Corrections by maintaining fleet records and updating errors in these records. He presents that he also completed Department of Environmental Protection forms on a quarterly basis regarding diesel emissions inspections. Additionally, the appellant indicates that he prepares vehicle down reports that indicates the status of all vehicles being repaired. Further, he resolved complaints which were reported by Maintenance Crew Supervisors regarding their vehicles and determined repair priority to ensure repairs were addressed timely. The appellant states that he ordered fuel, documented deliveries, and sent reports to the Bureau of Equipment for payment. He also checked mechanics' renewal forms for their Inspector's Licensure with the Motor Vehicle Commission to avoid processing delays. Additionally, the appellant indicates that he ensured that the payment processing for the stockroom was accurate to confirm that the vendor was under contract and that all parts of the Direct Purchase Order were completed properly by the Inventory Control Specialists. He asserts that although these duties are not specifically listed under the job specification for an Assistant Crew Supervisor, Mechanics, these were "other related duties" that comprised most of his workload.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

¹ The maximum amount of credits allowed beyond the appellant's Associate's degree without a Bachelor's degree is 105 college credits, which equals one year and six months of experience. See *In the Matter of Jeffrey Booth and Jean Peterson* (MSB, decided August 11, 2004).

In this matter, Agency Services correctly determined that the appellant was not eligible as a review of the appellant's application does not indicate that he primarily performed the required duties as an Assistant Crew Supervisor, Mechanics as he presents on appeal. However, the list is incomplete as there is only one name on the list. Further, personnel records indicate that the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, the Commission finds good cause under N.J.A.C. 4A:1-1.2(c) to relax the provisions of N.J.A.C. 4A:4-2.6(a) and accept the appellant's experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination.

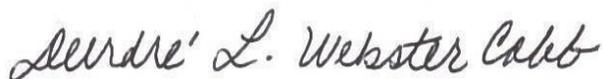
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 30TH DAY OF JUNE, 2021



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